
From: [Sowles, Marcia \(CIV\)](#)
To: [Kel McClanahan, Esq.](#)
Subject: RE: [EXTERNAL] RE: Baugh v. CIA, No. 24-10036 (E.D. Mich.) -- request for a brief extension
Date: Monday, May 20, 2024 5:38:00 PM

Kel,

We did not intend to misrepresent your position. We thought that our motion embodied the parties' agreement. We are willing to stipulate to an order that would grant you the extension that you are seeking for your opposition to our motion to dismiss.

Marcia

From: Kel McClanahan, Esq. <kel@nationalsecuritylaw.org>
Sent: Monday, May 20, 2024 5:15 PM
To: Sowles, Marcia (CIV) <Marcia.Sowles@usdoj.gov>
Subject: RE: [EXTERNAL] RE: Baugh v. CIA, No. 24-10036 (E.D. Mich.) -- request for a brief extension

You were on the call when the judge drew a distinction between a stipulated order and an unopposed motion regarding my motion to seal.

Given that I said that I would *consent* to your motion if you *consented* to mine, not I wouldn't *oppose* your motion if you didn't *oppose* mine, you should not have indicated that your motion was unopposed. Especially after I specifically said that I would need you to stipulate to an order if you wanted my agreement to your motion. You misrepresented my position.

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Kel McClanahan, Esq.
Executive Director
National Security Counselors
Kel@NationalSecurityLaw.org
[301-728-5908](tel:301-728-5908)

"As a general rule, the most successful man in life is the man who has the best information."
Benjamin Disraeli, 1880

"Quis custodiet ipsos custodes?" ("Who will watch the watchers?")
Juvenal, Satire VI

From: Sowles, Marcia (CIV) <Marcia.Sowles@usdoj.gov>
Sent: Monday, May 20, 2024 1:50 PM
To: Kel McClanahan, Esq. <kel@nationalsecuritylaw.org>
Subject: RE: [EXTERNAL] RE: Baugh v. CIA, No. 24-10036 (E.D. Mich.) -- request for a brief extension

Kel,

I am not sure what conversation you had with the judge about your motion to stay since I was not on the call. In our motion, we are noting that you indicated that you will plan to file a motion for an extension of your opposition and we have no objection.

Marcia

From: Kel McClanahan, Esq. <kel@nationalsecuritylaw.org>

Sent: Monday, May 20, 2024 1:41 PM

To: Sowles, Marcia (CIV) <Marcia.Sowles@usdoj.gov>

Subject: RE: [EXTERNAL] RE: Baugh v. CIA, No. 24-10036 (E.D. Mich.) -- request for a brief extension

Sorry, after that conversation with the judge it needs to be a stipulated order so there's a minimal chance that she'll deny it. Can I say that it is? If so you can say the same about your motion.

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-----Original Message-----

From: "Sowles, Marcia (CIV)" <Marcia.Sowles@usdoj.gov>

To: "Kel McClanahan, Esq." <kel@nationalsecuritylaw.org>

Sent: Mon, 20 May 2024 1:36 PM

Subject: RE: [EXTERNAL] RE: Baugh v. CIA, No. 24-10036 (E.D. Mich.) -- request for a brief extension

Kel,

We do not object to you filing a motion for an extension of time to file your opposition to our motion

to dismiss.

Marcia

From: Kel McClanahan, Esq. <kel@nationalsecuritylaw.org>

Sent: Monday, May 20, 2024 11:48 AM

To: Sowles, Marcia (CIV) <Marcia.Sowles@usdoj.gov>

Subject: [EXTERNAL] RE: Baugh v. CIA, No. 24-10036 (E.D. Mich.) -- request for a brief extension

Normally I'd have no problem with this but since the court denied my stay motion because you opposed it that puts me in a bind, since you would be filing your briefs the same day my oppo to your motion to dismiss is due, which means I can't refer to anything you said in my brief. So I'll trade you consents here. I consent to this and you consent to a 1-week extension of my 6/7 oppo deadline. Does that work for you?

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From: Sowles, Marcia (CIV) <Marcia.Sowles@usdoj.gov>

Sent: Monday, May 20, 2024 11:34 AM

To: Kel McClanahan, Esq. <kel@nationalsecuritylaw.org>

Subject: Baugh v. CIA, No. 24-10036 (E.D. Mich.) -- request for a brief extension

Kel,

I plan to file a motion to extend the time to respond to both Plaintiff's motion to strike and motion for jurisdictional discovery to June 7. Currently our opposition to the motion to strike would be due May 31, and our opposition to the motion for jurisdictional discovery would be due June 3. This short extension is needed because I have a previously scheduled trip to Indiana from May 22 thru May 29. In addition, I have deadlines in other cases on June 3. Do you consent to this short extension?

Marcia